

Procurement Overview:

A majority of purchases fall into one of three different categories:

- Procurement of Supplies & Services: Chapter 30B
 - Any supply or service, unless expressly exempt from the requirements of Ch. 30B (33 listed exemptions like Labor Relations, Doctor/Dentist, CPA, Lawyer, Engineer)
 - Procurement Thresholds:
 - Less than \$10,000: “Sound Business Practices”
 - Between \$10,000 > \$35,000: “Solicit Three Quotes” the law requires that you solicit, not receive three quotes. When requesting quotes it is best to develop a scope of work or product description, and distribute that to all vendors. To be a valid quote the vendor must be in a similar line of work.
 - Greater than \$35,000: “Formal Bid Process” - Invitation for Bids or Request for Proposals.
 - Requires advertisement in Chelsea Record and Goods and Services at least two weeks before bid opening
 - Only Chief Procurement Officer can authorize the use of an RFP
- Public Works Construction: Chapter 30; 39M
 - Construction, reconstruction, installation, alteration, demolition, maintenance or repair of any public work (horizontal construction)
 - Procurement Thresholds:
 - Less than \$10,000: “Solicit Three Quotes”
 - Greater than \$10,000: “Formal Bid Process”
 - Requires advertisement in Chelsea Record and Goods and Services at least two weeks before bid opening
- Public Building Construction: Chapter 149
 - Construction, reconstruction, installation, alteration, demolition, maintenance or repair of any public building (vertical construction)
 - Procurement Thresholds:
 - Less than \$10,000: “Sound Business Practices”
 - Between \$10,000 > \$25,000: “Solicit Three Quotes”
 - Must seek written responses, based on detailed scope. Will be advertised for at least two weeks.
 - Between \$25,000 > \$100,000: Use the procedures for public works construction
 - Greater than \$100,000: All requirements as under \$100,000, plus:
 - DCAM Certification
 - Filed Sub-Bids for certain trades if over \$20,000 per trade
 - 100% Payment & Performance Bonds

Emergency Procurement:

Supplies & Services (30B) - If the time required to comply fully with a Chapter 30B requirement would endanger the health or safety of people or their property due to an unforeseen emergency, you may procure the needed item or service without complying with the Chapter 30B requirements. Even under emergency circumstances, however, you must comply with Chapter 30B to the extent possible. For example, if you do not have time to advertise for two weeks, you can shorten the advertising period; or, if you have no time to advertise, you can solicit quotes. You may procure only those supplies or services necessary to meet the emergency.

A local jurisdiction may not artificially create an emergency by postponing normal purchases. If you had reason to know in advance that you needed the supplies or services, and you failed to act until the need became critical, you will have difficulty justifying an emergency procurement. Invoking the emergency procedures in the absence of a genuine emergency could invalidate your contract.

Public Works (30 39M):

For M.G.L. c.30, §39M projects, you may dispense with the normal bid process only in cases of “extreme emergency caused by enemy attack, sabotage, other such hostile actions or resulting from an imminent security threat, explosion, fire, flood, earthquake, hurricane, tornado or other such catastrophe.” Only work necessary for “temporary repair and restoration to service of any and all public work in order to preserve health and safety of persons and property” may be performed under an emergency contract. [M.G.L. c.30, §39M(a)] You must obtain a written waiver of the public notice requirements from DCAM. [M.G.L. c.149, §44J(6)]

Although formal bidding may not be required, you should solicit three or more informal quotations or bids if possible under the circumstances. Note also that you may not artificially create an emergency simply by putting off normal maintenance and repair work.

Public Building (149):

For M.G.L. c.149 projects, you may dispense with the normal bidding procedures for work needed to preserve the health or safety of people or property, or to alleviate an imminent security threat. The prior approval of DCAM is required unless the urgency of the situation makes it impossible to contact DCAM in advance. In such a case, you may start the emergency work, but you must contact DCAM as soon as possible to request approval. If DCAM subsequently disapproves the emergency request, work must be stopped immediately, although the contractor is still entitled to payment for the fair value of the labor and materials provided prior to the stop work order. [M.G.L. c.149, §44A(4)] If DCAM determines that an emergency waiver is warranted, DCAM may waive the public notice and public bidding requirements for the work. The waiver must be obtained in writing. [M.G.L. c.149, §44J(6)]

Although formal bidding may not be required, you should solicit as many informal quotations or bids as is possible under the circumstances. Note also that other M.G.L. c.149 requirements, including prevailing wage requirements, will still apply to the contract.

You may not artificially create an emergency simply by putting off normal maintenance and repair work. If you knew or should have known that a roof needed repair, and you had time to fix it using the normal bidding procedures, you may have difficulty justifying the use of emergency procedures when it starts leaking.